

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

PEGGY C.,

Plaintiff,

v.

CIVIL ACTION NO. 3:23-0120

MARTIN J. O'MALLEY,
Commissioner of the Social Security Administration,¹

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that the Court deny Plaintiff's request for judgment on the pleadings (ECF No. 10); grant Defendant's request to affirm the decision of the Commissioner (ECF No 13); and dismiss this action from the docket of the Court. No objections to the Magistrate Judge's findings and recommendations have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **DENIES** Plaintiff's request for judgment on the pleadings (ECF No. 10); **GRANTS** Defendant's request to affirm the decision of the Commissioner (ECF No 13); and **DISMISSES** this action from the docket of the Court, consistent with the findings and recommendations.

¹Commissioner O'Malley was sworn in on December 20, 2023, replacing Acting Commissioner Kilolo Kijakazi. Per Fed. R. Civ. P. 25(d), O'Malley was automatically substituted as Defendant in this action..

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: February 9, 2024

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE